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7 DRAFT PROPOSED TEXT FOR THE
8 SUBDIVISION ORDINANCE
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10 Proposed to replace currently-adopted text
11 In Chapter 70 of the Herndon Town Code
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14 August 8, 2006
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20 *[pending legal review]*
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PLANNING COMMISSION REVIEW DRAFT: SUBDIVISION ORDINANCE

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ARTICLE I: SUBDIVISIONS GENERALLY ~~IN GENERAL~~

70-101 Title

These regulations shall be known officially as the “Herndon Subdivision Ordinance” and may be referred to as the “Subdivision Ordinance” or “This Chapter.”

70-102 Authority

(A) The Town Council pursuant to the recommendation of the Planning Commission and public hearing held in accordance with Section 15.2-2204 of the Code of Virginia does hereby exercise the police power conferred by the Code of Virginia to assure the orderly subdivision of land and to implement the comprehensive plan of the Town. ~~The Town Council is authorized to review and approve or disapprove an application for a subdivision pursuant to this chapter.~~

(B) Table 70-102 (B) summarizes the review and decision-making responsibility of the entities that have specific roles in the administration of the procedures set forth in this Chapter.

TABLE 70-102(B): SUBDIVISION REVIEW PROCEDURES

R = REVIEW & ADVISE

D = FINAL DECISION

A = APPEAL

	Subdivision Administrator	Planning Commission	Town Council
Appeal about Compliance with Provisions	D	A	
Waiver of Requirements	R	R	D
Preliminary Subdivision Plan	R	R	D
Subdivision Site Plan	D		A
Vacation of Plat (other than right-of-way)	D		
Vacation of Right-of-way	R	R	D
Lot Line Adjustment	D		A
Final Subdivision Plat and Deed	D		
Release of Performance Guarantee	D		

70-103 Purpose ~~of Chapter~~

The purpose of this chapter is to provide for

~~✓~~ Clear procedures with appropriate reviews to subdivide land;

~~✓~~ Minimum requirements for review;

~~✓~~ Conformance with standards to protect the health, safety and general welfare;

~~✓~~ The orderly development of the town.

~~✓~~ The coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage.

- 1 ~~☞~~ [per Va. Code 15.2-2241] The acceptance of dedication for public use of any right-of-way
2 located within any subdivision or section thereof, which has constructed or proposed to be
3 constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle
4 trail, drainage or sewerage system, waterline as part of a public system or other improvement
5 dedicated for public use, and maintained by the locality, the Commonwealth, or other public
6 agency, and for the provision of other site-related improvements required by local ordinances
7 for vehicular ingress and egress, including traffic signalization and control, for public access
8 streets, for structures necessary to ensure stability of critical slopes, and for storm water
9 management facilities. The acceptance of dedication for public use of any right-of-way, traffic
10 signalization and control equipment, curb, gutter, sidewalk, trail, drainage, water supply or
11 sewerage system or other improvements, financed or to be financed in whole or in part by
12 private funds.
- 13 ~~☞~~ The compliance of the subdivision of land with all elements of the town comprehensive plan
14 and zoning ordinance.
- 15 ~~☞~~ ~~The payment by the subdivider or developer of land of the pro rata share of the cost of~~
16 ~~providing reasonable and necessary sanitary sewage and drainage facilities, located outside~~
17 ~~the property limits of the land owned or controlled by him but necessitated or required, at least~~
18 ~~in part, by the construction or improvement of the property being subdivided or developed.~~
- 19 ~~☞~~ ~~The preservation of open space for the prevention of undesirable levels of density and~~
20 ~~congestion on the land and in the streets.~~
- 21 ~~☞~~ ~~The reservation of areas of parks, recreation areas, school sites and other public facilities~~
22 ~~necessitated, in whole or in part, by the density to be generated by and as a consequence of~~
23 ~~the proposed subdivision.~~
- 24 ~~☞~~ The division and development of land in such a manner that natural landforms are respected,
25 stormwater runoff is minimized and natural vegetation preserved to the greatest degree
26 practicable.

70-104 Applicability Application of Chapter Provisions

- (A) This chapter and all its regulations herein shall apply to all subdivision of land located within the corporate limits of the town, and as provided in section ~~70-4~~ 70-104(B).
- (B) The subdivision regulations of the town also shall ~~apply within the corporate limits of the town and~~ shall apply beyond the corporate limits within a distance of two miles as provided in Code of Virginia, § 15.2-2248. Any owner or developer of any tract of land located as described in this section, who subdivides such land, shall cause a plat of that portion of such subdivision lying within Loudoun County, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of Loudoun County, Virginia. No such plat of a subdivision shall be recorded unless and until it shall have been approved and certified in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision before the plat shall have been recorded.
- (C) The subdivision of land is governed also by the Zoning Ordinance, the Public Facilities Manual, and other applicable provisions of the Herndon Town Code. If there is any conflict between this Chapter and other chapters of the Town Code, the more restrictive provision shall apply.
- (D) There shall be no subdivision of land without ~~the makings and~~ recording of a plat of such subdivision. Such recorded plat shall comply with all the regulations of this chapter and with all provisions of Code of Virginia, § 15.2-2240 et seq.
- (E) No final subdivision plat shall be recorded until approved by the reviewing authority pursuant to the regulations contained in this chapter ~~and executed by the chair of the planning commission and the mayor.~~
- (F) No realty, subject to the regulations of this chapter, shall be sold or transferred prior to a final subdivision plat having been duly recorded in the land records of Fairfax County and/or Loudoun County, Virginia.
- (G) Building permits shall not be issued for any construction upon a lot created in violation of the terms of this chapter.
- (H) Any person violating the provisions of this Chapter ~~section 70-7~~ shall be subject to a fine of not more than \$500.00 for each violation.
- (I) ~~In addition to the provisions of subsection (a) of this section,~~ The town shall have the right to enjoin, restrain, correct or abate any construction upon a parcel created in violation of the terms of this chapter.

70-105 Interpretation and Conflict

- (A) Scope
In their interpretation and application, the requirements of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (B) Conflict with public and private provisions
- (1) Public provisions
This Ordinance is not intended to interfere with, abrogate or annul any order of a court of competent jurisdiction, statute, regulation, or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of Town ordinances or regulations or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.
- (2) Private provisions
This Ordinance is not intended to abrogate any legally enforceable easement, covenant or any other private agreement, or restriction; provided, that where the provisions of this Ordinance are more restrictive or impose higher standards or

regulations than such easement, covenant or other private agreement, or restriction,
the requirements of this Ordinance shall govern. Provisions of easements, covenants,
private agreements or restrictions shall be consistent with this chapter and may
impose duties and obligations that are more restrictive, or constitute higher standards
than the requirements of this Ordinance.

1 **ARTICLE II: SUBDIVISION REVIEW PROCEDURES AND REQUIREMENTS**

2 **70-201 General Review Process**

3 **(A) Overview**

4 Review of a subdivision application shall occur in conformance with this Chapter and the
5 provisions of Herndon Town Code Section 78-201, *Review Procedures*.

6 ~~When the proposed preliminary plan meets the requirements of this chapter, the reviewing~~
7 ~~authority shall schedule such plan for public hearing before the planning commission. The~~
8 ~~planning commission shall forward, within ten days of the public hearing, its~~
9 ~~recommendation for final action to the town council. Within 45 days of commission action~~
10 ~~the town council shall approve, modify and approve or disapprove the preliminary plan in~~
11 ~~accordance with the terms and conditions of this chapter. In the event of denial, the~~
12 ~~applicant shall be informed in writing of the reasons for such denial. Notice of such public~~
13 ~~hearings shall be accomplished in accordance with the provisions of division 3, article II of~~
14 ~~chapter 78 of this Code. Initial staff review of a preliminary plan submission shall be~~
15 ~~completed within 30 days of that submission. If, after 60 days of the preliminary plan~~
16 ~~submission, that plan is not, in the opinion of the reviewing authority, in substantial~~
17 ~~compliance with the terms of this chapter, the subdivider may demand that the plan be~~
18 ~~scheduled for the next regular meeting of the planning commission.~~

19
20 **(B) Fees**

21 Submission of a subdivision application plans shall be accompanied by a fees, covering
22 the costs to the town of review, as set forth in Herndon Town Code Section 78-
23 201(B)(3)section 78-1736.

24
25 **(C) Payment of all outstanding fees**

26 ~~Prior to recordation, in addition to those items mentioned in sections 70-88 and 70-89, All~~
27 ~~outstanding review fees and other fees required by the town Code relating to subdivision~~
28 ~~development shall be paid prior to approval for recordation.~~

29
30 **(D) Revision, Change, or Erasure**

31 No revision, change, or erasure shall be made on any approved subdivision preliminary
32 plan, final subdivision plat, or subdivision site plan unless the reviewing authority that
33 approved the document has approved the change., ~~except as otherwise provided.~~

34 If, in the judgment of the reviewing authority, there have been substantial changes made
35 to the ~~final subdivision record~~ plat and ~~subdivision site plan final engineering~~, not reflected
36 on the approved preliminary ~~subdivision~~ plan, a new preliminary ~~subdivision~~ plan shall be
37 submitted for review under the provisions of section 70-202 et seq.

38
39 **(E) Plan Submittal Requirements**

40 Preliminary Subdivision Plans and Subdivision Site Plans shall be submitted with the
41 requirements specified in Table 78-201(F) Minimum Submittal Requirements [see also
42 table in Information Attachment].

Table 70-201(F) MINIMUM SUBMITTAL REQUIREMENTS, ADDITIONAL TO MINIMUM PLAN CONTENT REQUIREMENTS in Herndon Town Code Chapter 78, Table 78-202 May 17, 2006				
	GDP	Site Plan	Preliminary Subdivision Plan	Subdivision Site Plan
Common Submittal Requirements				
Nine (9) sets of plans or drawings prepared in accordance with the following standards:	?	?	?	?
Site plans and generalized development plans, or any portion thereof, involving engineering, architecture, landscape architecture or land surveying, shall be prepared and certified respectively by an engineer, architect, landscape architect or land surveyor duly authorized by the state to practice as such.;	?	?	?	?
Other plans shall be drawn to scale and signed by the preparer.				
Plans may be prepared in one or more sheets to show clearly the information required by this division and to facilitate the review and approval of the plan.	?	?	?	?
A blank space three inches wide and five inches high for the use of the approving authority if not required to use an official Town cover sheet shall be provided on the plan.				
Plans shall be prepared to a scale of one inch equals 50 feet or larger.	?	?		
Plans shall be prepared to a scale of one inch equals 30 feet or larger.			?	?
Sheet Size: The sheets shall be 24 by 36 inches. Profiles must be submitted on standard plan profile sheets.	?	?	?	?
All lettering on plans shall not be less than one-tenth of an inch in height.	?	?	?	?
All horizontal distances shown on plans shall be in feet and decimals of a foot to the closest 1/100 of a foot, and all bearings in degrees, minutes and seconds to the nearest ten seconds.	?	?	?	?
All copies shall be clearly legible blue or black line copies.	?	?	?	?
Other Requirements, as Applicable:				
A traffic impact study for the proposed uses(s) prepared in accordance with Town standards	?	?	?	?
A description of special amenities proposed within the development;	?		?	
A statement setting forth the proposed approximate development schedule	?		?	
In order for existing trees to be retained in a parking lot area, sufficient ground, as determined by an arborist for the town, shall be left ungraded around each tree to allow for its survival. Proper arboriculture measures, as adopted by the community forester, may be required to allow for its survival.		?		?
Minimum Plan Content Requirements, as specified in Herndon Town Code Section 78-202 [see <i>attached table</i>]	?	?	?	?

Table 70-201(F) MINIMUM SUBMITTAL REQUIREMENTS, ADDITIONAL TO MINIMUM PLAN CONTENT REQUIREMENTS in Herndon Town Code Chapter 78, Table 78-202 May 17, 2006				
	GDP	Site Plan	Preliminary Subdivision Plan	Subdivision Site Plan
Certification, in a form prescribed by the Zoning Administrator, that all required public notification regarding a public hearing has been given in accordance with Section 78-201(I), Public Notification shall be submitted upon completion of proper notification by the applicant	?	?	?	
Any additional submittal requirements in the relevant section of Herndon Town Code Chapter 78, Section 78-202, Specific Standards and Other Requirements for Applications for Development Approval.	?	?		
The Zoning Administrator or Subdivision Administrator may request additional information, as reasonable, if necessary for the evaluation of the application.	?	?	?	?
Prior to submittal of the application materials, the applicant may request that the Zoning Administrator or Subdivision Administrator approve relief from specific submittal requirements if the Zoning Administrator or Subdivision Administrator deems such requirements unnecessary for the evaluation of the application.	?	?	?	?

(F) Waiver of requirements.

- (1) The subdivider may apply to the reviewing authority to waive a requirement of the Subdivision Ordinance except there shall be no waiver that would result in a reduction of the required frontage on a public street or an increase in the number of lots.
- (2) An application for a waiver shall be deemed to be an acceptance by the applicant that:
 - (a) the time period within with the submitted preliminary subdivision plan must be acted upon will be prolonged indefinitely to allow proper evaluation and consideration of the waiver; and
 - (b) the decision on the pending application for waiver shall be concurrent with the application for the preliminary subdivision plan.
- (3) For subdivision applications that require a public hearing, the town council, upon the receipt and review of a report from the planning commission, may during a public hearing ~~vary or~~ waive requirements of this chapter upon a finding that the granting of such waiver will not be of substantial detriment to property adjacent or in the same vicinity and the purposes served by this chapter will not be adversely affected. The waiver shall be described in materials related to the public notification requirements for the subdivision application.
- (4) ~~The town council~~ reviewing authority may require, as a condition of any such waiver, the dedication or construction, or an agreement to dedicate or construct of such improvements as may be reasonably required to ensure the attainment of the purposes of this chapter.
- (5) A requested waiver shall be evaluated by the reviewing authority based on whether or not:
 - (a) Development without the waiver would result in an arrangement of lots that
 1. affect adjoining property more adversely than the arrangement of lots with the waiver;
 2. is unduly restrictive, based on the unique circumstances of the subject property; or
 3. is not consistent with good planning practices.
 - (b) The waiver will result in an arrangement of lots that will be more harmonious with and will have a less adverse effect on neighboring properties than would development without the waiver

(G) Appeals

In the event of a disagreement between the subdivider and the subdivision administrator reviewing authority as to compliance with applicable ordinances and design standards, the subdivider may file an appeal with the subdivision administrator reviewing authority in writing. When filed at least 30 days prior to the next regularly scheduled work session of the Planning Commission, such appeal, along with a written staff report noting the alleged deficiencies, shall be heard and acted upon by the planning commission at its next regular public hearing meeting. ~~after~~ Such appeal shall be ~~has been~~ advertised in conformance with Code of Virginia, § 15.2-2204.

(H) Performance Guarantee Bond

The Town shall require adequate financial assurance consisting of a performance guarantee agreement and a security, in a form and manner that is approved by the Town Attorney, for the construction of required public improvements, protection of existing public improvements, protection of trees, and required private improvements. The procedure for performance guarantees shall comply with the provisions of the Herndon Town Code Section 78-204.

~~Prior to recordation, the subdivider must provide a bond, in sufficient amount, and a bond agreement to guarantee the completion and maintenance until acceptance by the appropriate governmental authority of all public improvements including, but not limited to, streets, curbs, gutters, sidewalks, trails, reforestation, storm drainage facilities and associated grading, sanitary sewage facilities, waterlines, streetlights, highway signs and markers, that are the subdivider's responsibility. Such bond, surety and agreement may be subject to the approval of the town attorney.~~

~~Release of performance bonds, in whole or in part, shall be by formal action of the town council, and the town council shall consider such formal release pursuant to the written request of the subdivider, the approval by the reviewing authority of the as-built plan, and after receipt of written certification of the payment of all contractors and subcontractors who have constructed the public improvements in the subject subdivision.~~

(I) Registration to Receive Notice

Beginning in July, 2006, any individual, business, or organization in the Town may register with the Department of Community Development to receive either written notice of applications pursuant to Section 78-201(I) or notice by email at approximately the same time that written notice as described in Section 78-201(I) is placed in the United States Mail. To be eligible for registration, the applicant shall provide the Department of Community Development information in the form required by the Department to ensure notification can be made to the organization, along with a fee to cover the costs of the written notification as shown in Section 78-201(B)(3). To continue to receive notice, an individual, business or organization shall re-register every 2 years.

70-202 Preliminary Subdivision Plan

(A) Purpose

A preliminary subdivision plan is reviewed and approved prior to the subdivider's preparation of a final subdivision plat and subdivision site plan. The review process shall be governed by the provisions of Herndon Town Code Section 78-202(F)(4). *Site Plans that Require a Public Hearing.*

After approval of the preliminary subdivision plan by the Town Council, the applicant shall submit a final subdivision plat and subdivision site plan for review and consideration prior to site development. The subdivider may submit a final subdivision plat and a subdivision site plan as the preliminary subdivision plan.

(B) Phasing

A parcel of land upon which a preliminary plan has been approved may be subdivided in sections, with each section meeting all the requirements of this chapter when considered in conjunction with all previously approved sections. The preliminary plan shall show the sequence and sections of the proposed development. Additional requirements in Section 70-204 Article I:78-101 (E), *Phasing*, apply.

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(C) Standards

A preliminary subdivision plan shall be approved upon a determination by the decision-making authority that the development and uses proposed in the preliminary subdivision plan and its general layout and design comply with:

- (1) Herndon Town Code Chapter 78, Section 78-401, Principal Uses: Categories and Types.
- (2) All appropriate standards in Herndon Town Code Chapter 78, Article V: Development Standards.
- (3) All other applicable standards, provisions and regulations of this Chapter, the Zoning Ordinance, other Chapters of the Herndon Town Code, and any applicable Federal, State or Local laws..

(D) Expiration

Once a preliminary subdivision ~~plan plat~~ is approved, it shall be valid for a period of five years, provided the subdivider:

- (1) submits a subdivision site plan if required and final subdivision plat for all or a portion of the property within one year of such approval, and
- (2) thereafter diligently pursues approval of the subdivision site plan if required and final subdivision plat. Diligent pursuit of approval means that the subdivider ~~has incurred extensive obligations or substantial expenses~~ been responsive to Town review comments relating to the submitted subdivision site plan and final subdivision plat or modifications thereto.

However, no sooner than three years following such preliminary subdivision ~~plan plat~~ approval, and upon ninety days' written notice by certified mail to the subdivider, the town council may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the subdivision site plan if required and final subdivision plat. A change in ownership of the property does not affect this time frame.

(E) Extension of Time

Upon written application submitted by the applicant at least 30 days prior to the expiration of the validity period and upon a showing of good cause, the reviewing authority that approved the preliminary subdivision plan may grant an extension not to exceed six months. The approval shall be deemed extended until the reviewing authority has acted upon the request for extension.

~~The town council may receive any application for extension prior to the expiration of the time to record. Upon receipt of such application and upon a showing of extenuating circumstances, the town council may permit one extension of six months within which the approved plat may be recorded.~~

70-203 Subdivision Site Plan

(A) Purpose

A subdivision site plan shall be submitted and approved prior to approval of the final subdivision plat and deed. The subdivision site plan shall be consistent with the preliminary subdivision plan approved by the Town Council and shall be approved administratively. The subdivision site plan shall be submitted and reviewed concurrently with a final subdivision plat and deed.

(B) Submittal

- 1 (1) The subdivider shall, after receiving approval of a preliminary subdivision plan or a
2 proffered generalized development plan, submit a subdivision site plan that conforms to
3 the requirements of this Chapter, to State and Town standards for the control of erosion
4 and sedimentation, and to the Utility Plan requirements of the Virginia Code, Section
5 15.2-2269. The subdivision site plan shall be submitted in conjunction with the submission
6 of the final subdivision plat. The subdivision site plan shall contain the items described in
7 Section (E), Plan Submittal Requirements.
8 (2) Any subdivision site plan or final subdivision plat plan submitted for the development of
9 the subject property shall be in substantial conformity with proffered statements, plans,
10 profiles, elevations or other demonstrative materials.
11 (3) For the purpose of this section, substantial conformity shall mean that conformity which
12 leaves a reasonable margin for adjustment due to final engineering and site condition data
13 and conforms to the general nature of the development, the specific uses, and the general
14 layout depicted by the proffered plans, profiles, elevations and other demonstrative
15 materials.
16 (4) Once proffered conditions have been approved, and there is cause for an amendment to
17 the conditions due to proposed development that is not in substantial conformity with the
18 conditions, then an application shall be filed for a zoning map amendment.
19
20 (C) Wetlands Permits
21 The subdivider shall obtain all wetlands permits required by law prior to commencing land-
22 disturbing activities and shall provide evidence of such permits to the reviewing authority.
23
24 (D) Pro rata share
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- (1) A subdivider or developer, as a condition to approval of a subdivision plat or site plan, shall pay to the town the pro rata share of the cost of providing reasonable and necessary storm drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development.
- (2) The town council ~~commits to establishing by June 30, 2002~~ established a general storm drainage improvement program for the town, to replace ~~any such existing program that existed prior to June 30, 2002~~. The area of the town (area) for this purpose has related and common drainage conditions. Until June 30, 2002, the town may utilize the existing or general storm drainage improvement program for the operation of the pro rata share program.
- (3) The share each subdivider or developer shall pay shall be limited to the amount necessary to protect water quality based upon pollution loading caused by the subdivision or development or (at the option of the subdivider or developer) to the proportion of such total estimated cost which the increased volume and velocity of stormwater run off to be actually caused by the subdivision or development bears to the total estimated volume and velocity of such stormwater run off from such area in its fully developed state as more specifically determined in subsection ~~(5)(e)~~ below. In calculating the pollutant loading caused by the subdivision or development or the volume and velocity of stormwater run off, the ~~director of public works town manager~~ shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the subdivider or developer and shall give appropriate credit therefore.
- (4) For each subdivision or development, the ~~director of public works town manager~~ shall determine the proportionate share of total estimate cost of ultimate storm drainage facilities required to adequately serve the town, which is the related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be born by each subdivider or developer within the area of the town.
- (5) In making the determination required by subsection (4) above, the ~~director of public works town manager~~ shall be guided by these standards and procedures: ~~when a general storm drainage program has been established Pursuant to subsection (2) above, a pro rata share of the total cost of the program shall be determined as follows:~~
- (a) The estimated volume and velocity of stormwater run-off for the town when fully developed in accordance with the adopted comprehensive plan shall be computed.
 - (b) The increased volume and velocity of stormwater run-off caused by a subdivision or development shall be computed.
 - (c) The ratio of the increased volume and velocity of stormwater run-off caused by a subdivision or development to the estimated total volume and velocity of stormwater run-off for the town, expressed as a percentage, shall be applied to the total cost of the drainage improvement program for the town, which the ~~director of public works town manager~~ shall also have computed. The resultant figure shall be the pro rata share for the subdivision or development.
 - (d) As an alternative to the above, ~~director of public works town manager~~ shall determine the cost necessary to protect water quality based upon the pollutant loading caused by the subdivision or development, using recognized engineering principles.
 - (e) Each such payment, and interest received, shall be expended only for necessary engineering or related studies and the construction of those facilities identified in the established storm drainage program. The payments received shall be kept in a separate interest bearing account, and accounted for separately, until such time as they are expended to effectuate the improvement program. All such payments received on or after July 1, 1990, shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the subject property if construction of the facilities identified in the established drainage program is not commenced within 12 years from the date of their payment to the town.
 - (f) Any funds collected for pro rata programs under this section prior to July 1, 1990, shall continue to be held in separate, interest bearing accounts for the project or projects for which the funds were collected and any interest from such accounts shall continue to accrue to the benefit of the subdivider or developer until such time as the project or projects are completed or until such time as a general drainage improvement program is established to replace a prior drainage

1 improvement program. Payments received prior to July 1, 1990 and interest
2 thereon shall be or shall have been expended for studies or construction of the
3 projects called for by the programs on or before June 30, 2002. Failing that, all
4 payments shall be released and used, with any interest earned, as a tax credit on
5 the real estate taxes on the subject property.

6
7 **(E) Expiration**

8 Subdivision site plan approval shall automatically expire at the end of a 5 year period
9 following the date of its final approval by the reviewing authority if a Building Permit for at
10 least 1 building in the development proposed in the subdivision site plan is not approved,
11 if buildings are planned. A change in ownership of the property does not affect this time
12 frame.

13 **(F) Extension of Time**

14 Upon written application submitted by the applicant at least 30 days prior to the expiration of
15 the validity period and upon a showing of good cause, the reviewing authority that approved
16 the subdivision site plan may grant an extension not to exceed six months. The approval
17 shall be deemed extended until the reviewing authority has acted upon the request for
18 extension.

19 ~~The town council may receive any application for extension prior to the expiration of the time~~
20 ~~to record. Upon receipt of such application and upon a showing of extenuating~~
21 ~~circumstances, the town council may permit one extension of six months within which the~~
22 ~~approved plat may be recorded.~~

23
24 **(G) As -built Plan**

25 Upon completion, an as-built plan shall be submitted, certified by a registered professional
26 engineer or certified land surveyor. Such as-built plan shall certify the installation of all public
27 and private improvements per the specifications and locations shown on the approved
28 subdivision plan.

29
30 **(1)** Upon final completion of the development, three copies of a certified "as-built" plan
31 prepared by a licensed professional engineer or licensed land surveyor registered in
32 the state, shall be submitted to the Town for verification of features shown. Revision
33 and resubmittal may be needed to obtain the staff's verification of the as-built plan.
34 Once verification has been affirmed, the subdivider shall submit:

35 **(a)** three copies of the final certified "as-built" plan prepared by a licensed
36 professional engineer or licensed land surveyor registered in the state;

37 **(b)** a "read only" version of the as-built site plan in an electronic format approved by
38 the Director of Public Works.

39
40 **(2)** In addition to reflecting all specifications and features shown on the approved
41 subdivision site plan, the certified "as-built" plan shall include the following:
42

- (a) Pages corresponding with all pages in the approved plan set;
- (b) Boundary of the site as shown on the approved subdivision site plan or final subdivision plat of record. The as-built plan shall show any geodetic reference points located on the site.
- (a) Locations of all storm sewer, sanitary sewer, fire hydrants and associated easements including all waterline easements. For storm and sanitary sewers, the pipe sizes, lengths, top and invert elevations and percent grade of pipes as computed shall also be shown.
- (b) Ponds, including detention, retention and Best Management Practice (BMP) ponds, showing elevations of tops of embankments, toes of embankments, weirs, spillways, drainage structures, access easements and capacities of such ponds. Capacities shall be shown both volumetrically and topographically with sufficient elevations to calculate the capacities.
- (c) Deed Book and page number(s) of the recordation in the land records of Fairfax County of dedications and easements reflected on the approved subdivision site plan.
- (d) All utility locations, except building and service connections, with the notation "from available records." The applicant shall obtain such plans and records from the appropriate utility companies.
- (e) A statement of certification by a licensed professional engineer or land surveyor registered in the State, certifying that the as-built plan conforms with the criteria listed above and represents actual conditions on the site for those items only, and bearing the engineer's or surveyor's seal, signature and Virginia registration number.

70-204 Subdivision Plats

(A) Purpose and Applicability

In accordance with Section 70-104(C), no subdivision of land shall occur within the Town unless and until a plat of such subdivision has been prepared, approved, executed and recorded. No land in the town shall be sold or transferred prior to a recordation of a final subdivision plat. A subdivision site plan shall be accompanied by a final plat of subdivision and a deed.

(B) Submittal

Every final subdivision record plat, plat of vacation, lot line adjustment, and plat of easement which is intended for recording shall include:

- (1) Certificate of preparer. — Every final subdivision record plat, plat of vacation, lot line adjustment, and plat of easement which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each such plat a signed certificate signed by a certified professional engineer or land surveyor setting forth the source of title of the owner of the land subdivided and the place of record of the last owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat. provided, however, that nothing in this subdivision shall be deemed to prohibit the preparation of preliminary studies, plans or plats of a proposed subdivision by the owner of the land, city planners, architects, landscape architects or others having training or experience in subdivision planning or design.
- (2) Certification of consent to subdivide. Every plat or deed of dedication to which the plat is attached shall contain, in addition to the professional engineer's or land surveyor's certificate, a statement as follows: "the platting or dedication of the following described land (here insert a description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any." The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgment of deeds. When thus executed and acknowledged, the plat, subject to the provisions of this subdivision, shall be filed and recorded in the land records of the county.
- (3) Size of sheets. The final subdivision record plat and engineering shall include a record plat on sheets 24 inches by 18 inches and all engineering plans on sheets 24

- 1 inches by 36 inches, and all engineering shall be in accordance with the town design
2 standards.
- 3 (4) Standard. The final record plat shall be prepared in accordance with the minimum
4 standard detail requirements for the American Land Title Association and American
5 Congress on Surveying and Mapping.
- 6 (5) Title Report. The final record plat shall be accompanied by a title report
7 documenting all easements and rights-of-way on the property.
- 8 (6) Signature Block. The final record plat shall contain a signature block for the Town to
9 indicate approval of the plat.
- 10 (7) ~~Official cover sheet. All final engineering plans shall include an official town cover~~
11 ~~sheet, available from the town offices for a reasonable fee.~~

12 **(C) Approval**

13 When the final subdivision plat, plat of vacation, lot line adjustment, or plat of easement is in full
14 compliance with all of the requirements of this chapter, and in substantial conformance with the
15 preliminary plan if applicable, the subdivision administrator town manager shall notify the subdivider
16 that the his final plat is approved, executed by the Town and eligible for recordation. ~~The subdivider~~
17 ~~shall be notified of approval or disapproval and the reasons therefore within 60 days of the~~
18 ~~submission of the record plat and engineering.~~

19 **(D) Time to record**

20 Subsequent to final subdivision plat approval and execution by the Town, the subdivider shall have
21 12 months from the date of that approval and execution by the Town within which he must to record
22 the plat in the land records of Fairfax and/or Loudoun Counties. Before such subdivision is
23 recognized by the town, the subdivider shall provide written documentation of recordation to the
24 subdivision administrator town clerk. If an approved plat has not been duly recorded in the land
25 records of Fairfax County and/or Loudoun County, Virginia, within 12 months of the date of the
26 approval and execution by the Town, such plat and preliminary plan shall become null and void and
27 of no effect.
28

29 **(E) Phasing**

30 The Town Council may permit a subdivider to record a final subdivision plat for separate sections
31 shown on an approved preliminary subdivision plan provided:

- 32 (4) The recordation of each section shall be subject to the terms and conditions of this
33 subsection and subject to engineering and construction standards and zoning
34 requirements in effect at the time that each section is recorded.
- 35 (2) Changes in engineering standards, construction standards or zoning requirements may
36 necessitate a change to the subdivision site plan.
- 37 (3) If, in the judgment of the reviewing authority, there is a consequent and substantial
38 change made to the final subdivision plat and subdivision site plan not reflected on the
39 approved preliminary subdivision plan, a new preliminary subdivision plan shall be
40 submitted for review under the provisions of section 70-202 et seq.
- 41 (4) All sections shown on the preliminary subdivision plan shall be recorded within a period of
42 five years from the recordation date of the first section.
- 43 (5) The subdivider shall furnish to the town for each section a performance guarantee in the
44 amount of the estimated cost of construction of the facilities to be dedicated within the
45 respective section of the subdivision for public use and maintained by the town.

46 ~~If a subdivider records a final plat which may be a section of a subdivision as shown on an~~
47 ~~approved preliminary plan and furnishes to the town a certified check, cash escrow, bond or~~
48 ~~letter of credit in the amount of the estimated cost of construction of the facilities to be~~
49 ~~dedicated within this subdivision for public use and maintained by the town, the subdivider~~
50 ~~shall have the right to record the remaining sections shown on the preliminary plan for a~~
51 ~~period of five years from the recordation date of the first section, or for such longer period as~~
52 ~~the town council may, at the approval of the preliminary plan, determine to be reasonable. In~~
53 ~~making this determination, the town council shall take into consideration the size and phasing~~
54 ~~of the proposed development. The recordation of the remaining sections shall be subject to~~
55 ~~the terms and conditions of this subsection and subject to engineering and construction~~
56

standards and zoning requirements in effect at the time that each remaining section is recorded.

(F) Pipestem Lots

(1) The final plat shall contain notes that:

(a) each pipestem driveway is a driveway privately owned and privately maintained by the lot owner.

(b) owners of abutting lots utilizing pipestem driveways automatically assume an obligation for maintenance of the pipestem driveway, which obligation is a condition of their ownership of the property and runs with the land.

(2) An adequate easement for ingress, egress, construction, maintenance of utilities, and access by Town, County and other emergency vehicles shall be provided where common driveway construction is used.

70-205 Vacation of Plats

A recorded plat or a portion thereof, may be vacated in accordance with the terms of Code of Virginia, §§ 15.2-2271--15.2-2278.

70-206 Boundary Lot Line Adjustment Plat

- (A) The boundary lines of any lot or parcel may be vacated, relocated or otherwise altered ~~as a part of an otherwise valid and properly recorded plat of subdivision or re-subdivision with respect to lots subdivided as provided in this chapter, or with respect to lots or parcels properly recorded prior to the applicability of this chapter.~~ A lot boundary line adjustment plat must be approved (if it is) by the town and must be executed by the owners of such lots or parcels as provided in Code of Virginia, § 15.2-2264. The subdivision administrator reviewing authority is authorized to act for the town in this regard.
- (B) ~~No action under this section shall involve the relocation or alteration of streets, alleys or easements for public passage, or other public places. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest in the easement or utility right-of-way or in any property located within such easements or rights-of-way.~~
- (C) In the case of a lot line adjustment, no public improvements as described in Section 70-302, Required Improvements, and the Town Public Facilities Manual are required except as noted herein. The subdivision administrator may require as a condition of approval of a lot line adjustment plat the dedication of public easements, rights-of-way, and utility easements as may be deemed necessary in order to comply with the minimum requirements set forth in Section 70-302. The applicant for a boundary line adjustment does not need to provide physical subdivision improvements or to comply with associated requirements, to support physical improvements such as street right-of-way and easement dedications. The reviewing authority may waive other requirements of this chapter when this official finds in writing that the requirement is not necessary or convenient to the accurate depiction, location and recordation of the vacated, relocated or altered boundary line.
- (D) ~~No boundary line adjustment shall result in a violation of this chapter or the zoning chapter. No lot line adjustment shall be approved if it would result in:~~
- (1) the creation of any additional lot(s), parcels or outlots or any increase in density;
 - (2) ~~the relocation or alteration of streets, alleys, or easements for public passage, or other public places, No utility easements, or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest in the easement, or utility right-of-way. or in any property located within such easements or rights-of-way.~~
 - (3) the creation of, or aggravation of an existing, noncompliance with regard to minimum lot area, minimum lot width, or minimum required yards; or
 - (4) any violation of this chapter or the zoning chapter.

ARTICLE III: CONSTRUCTION STANDARDS

70-301 Design

The construction of all public utilities, streets and all other physical elements of subdivision development shall be in compliance with the town design standards. Such standards shall be adopted by resolution or ordinance of the town council and any amendments thereto.

These standards are to reflect sound engineering and site planning practices intended to provide subdivision development, which in design and construction eliminates storm drainage problems, minimizes future maintenance of public utilities while at the same time providing a safe, convenient and aesthetically pleasing overall layout of streets and lots.

Applicable standards include, and are not limited to: the Town's Public Facilities Manual, the Town's zoning ordinance, the Hendon Heritage Preservation Handbook, and the Northern Virginia Erosion and Sediment Control Handbook.

70-302 Required Improvements

All improvements shall be shown on the subdivision site plan and installed at the cost of the subdivider in accordance with the Town of Herndon Public Facilities Manual (1997), as amended, as described in Section 1-16 of the Herndon Town Code. The following improvements are required.

(A) Access to public streets

Any lot created by the division of land under the terms of this chapter, or otherwise, shall have frontage abutting a ~~full width, non-limited-access~~ public street or shall be provided access to a public street as provided for in the zoning chapter.

(B) Public streets

- ~~(1) All streets shall be public streets. However, common driveway and parking areas serving townhouse, garden court, multifamily dwelling and commercial developments shall be permitted.~~
- (2) All public streets shall have a minimum right-of-way width of 50 feet. A street identified in the comprehensive plan as a collector street, ~~thoroughfare street~~ or arterial street shall have a wider right-of-way, as may be determined necessary by the subdivision reviewing authority, based upon the comprehensive plan. Additional right-of-way also may be required for reason of design, emergency vehicle access, or traffic volume.
- (3) Any street constructed with a terminus (cul-de-sac, hammerhead, or other design) shall include at the terminus a means of continuous pedestrian travel provided with a trail dedication or easement of no less than 15 feet in width to the edge of the property under the control of the subdivider or to the nearest connecting street or trail, whichever is the shorter length. With the trail dedication or easement, the subdivider shall construct a paved trail surface of four to six feet in width. The trail dedication or easement shall be deeded to either the affected homeowner's association or to the Town, as agreed by the subdivider and the reviewing authority.
- (4) A street with a design that is alternative to that contained in the Herndon Public Facilities Manual may be proposed if it meets all of the following criteria:
 - (a) The alternative design is approved by the Virginia Department of Transportation and the Town's reviewing authority;
 - (b) The alternative design conforms with the standards in Herndon Town Code Chapter 78, Section 78-501, *Circulation and Traffic*, and is consistent with accepted planning practice;
 - (c) The alternative design of streets does not adversely affect neighboring properties or the system of existing streets and intersections to which the streets are proposed to connect;
 - (d) The alternative design allows for adequate access and circulation by emergency vehicles and vehicles that are expected to service the proposed development.

(C) Public open space

- (1) Open space shall be provided as described for the particular use in Herndon Town Code Chapter 78, Zoning Ordinance.
- (2) For subdivisions containing permitted uses in the R-10 and R-15 residential zoning districts, open space shall be provided:
 - ~~For subdivisions resulting in 10 or more single family detached homes;~~
 - ~~In an amount equivalent to five percent of the net area used for individual single family lots; and~~
 - ~~In parcels of appropriate size and location that meet (a) the definition of "open space" in S. 78-701; (b) the standards for "open space" in S. 78-504, and (c) the standards for "common area" in S. 78-507.~~

~~All subdividers shall be required to dedicate to public use, exclusive of streets and parking areas, a percentage of the buildable land subdivided, up to a maximum of five percent, in order to, in part, provide for the need for public open space, park land, sites for schools, libraries and other public facilities generated by the development of the land being subdivided. Upon the~~

1 mutual consent of the subdivider and the town council, and subsequent to the receipt and review
2 of the report of the planning commission, cash in the amount of five percent of the current
3 market value of the land being subdivided may be tendered to the town in lieu of dedication. Any
4 such funds shall be used only for the acquisition of, or development of, land for such public
5 purposes.

6 This section's requirements may be reduced upon the approval of the town council after receipt
7 and review of the report of the planning commission, where the subdivider provides alternative
8 means of achieving the intent of this article including, but not limited to, developed recreation
9 facilities.

10
11 **(D) Blocks**

- 12 (1) The maximum length of blocks generally shall be 1,200 feet.
13 (2) Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where
14 there is frontage on major streets or where prevented by topographical conditions or size
15 of the property, in which case a single tier of lots of minimum depth may be approved.
16 (3) In blocks over 800 feet in length, one or more public crosswalks of not less than ten feet in
17 width to extend entirely across the block and at locations deemed necessary may be
18 required.
19 (4) Where a subdivision adjoins a major road, it may be required that the greater dimension of
20 the block shall front or back upon such major thoroughfare to avoid unnecessary ingress
21 or egress. When such blocks adjoin a major street or highway landscape barriers, noise
22 attenuation barriers and easements therefor, may be required at the discretion of the
23 town.
24 (5) Blocks intended for business or industrial use shall be designed specifically for such
25 purpose with adequate space set aside for off-street parking and delivery facilities.
26

27 **(E) Lots**

- 28 (1) The lot arrangement, design and shape shall be such that lots will provide satisfactory and
29 desirable sites for buildings and be properly related to topography and conform to
30 requirements set forth in this section. Lots shall not contain peculiarly shaped elongations
31 solely to provide necessary square footage of area which would be unusable for normal
32 purposes.
33 (2) All lots shown on the subdivision plat must conform to the minimum requirements of the
34 zoning chapter as to area and dimensions, for the zone in which the subdivision is
35 located.
36 (3) Interior lots having frontage on two streets shall be prohibited except where unusual
37 conditions make other designs undesirable.
38 (4) Corner lots shall have extra width sufficient for maintenance of required building lines on
39 both streets as required by the zoning chapter.
40 (5) Side lines of lots shall be approximately at right angles, or radial to the street line.
41 (6) Outlots are prohibited except upon a showing that the outlot to be created will produce a
42 benefit to the entire subdivision or the municipality. Any other remnants of lots below
43 minimum size left over after subdividing of a tract must be added to adjacent lots, rather
44 than be allowed to remain as a substandard parcel.
45 (7) No lot or portion thereof intended for the construction of any building shall be located
46 within the 100-year floodplain.
47 (8) No lot shall be graded in such a manner as to
48 (a) provide a retaining structure closer than two feet to the property line; or
49 (b) otherwise adversely impact neighboring properties.
50 (9) Rear yard width at the rear lot line shall be no less than 60 percent of the required front
51 yard width.
52

53 **(F) Trees and Landscaping**

54 Subdivision development is subject to the requirements of Chapter 78, Section 78-502,
55 Protection of Trees and Vegetation on Private Property and During Development, and
56 Section 78-503, Site Landscaping.

57 **(G) Floodplain Streams and watercourses**
58

An easement for all land within the 100-year floodplain shall be dedicated to the town for the purpose of stormwater management and appropriate recreational and open space use.

(H) Monuments

~~The subdivider shall provide monuments or iron pipe at all property corners in the subdivision.~~ In all subdivisions monuments shall be placed in the ground at all lot corners and angle points in the outer lines of the subdivision and at all points of angles and curvature in the right of way lines of all streets within the subdivision, according to the standards and criteria of the *Public Facilities Manual*.

(I) Underground utilities

~~All existing or future electric, telephone or gas utility lines and appurtenances required to be installed or relocated by the subdivision shall be located or relocated underground at the subdivider's expense.~~ New and existing utilities shall be placed below ground, in accordance with standards as established in the *Public Facilities Manual* and accepted standards of utility practice for underground construction. The developer shall be responsible for arranging with the appropriate utility so that new, existing, or relocated distribution and customer service utility facilities, carrying or used in connection with water, sanitary sewer, electric power, communications, cable television, petroleum, gas or steam, installed within the boundaries of the site, or within the adjacent public right-of-way shall be placed below the surface of the ground. The following equipment may be installed above ground on the site, and the subdivision site plan shall reserve space on the site to accommodate it:

- (1) Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals which is normally installed above ground in accordance with accepted utility practices for underground distribution;
- (2) Meters, service connections, and similar equipment normally attached to the outside wall of the premises they serve; and
- ~~(3)~~ (3) Temporary overhead facilities required for construction purposes.

(J) Utility easements

- (1) All proposed utilities which are to be maintained by the town after construction and installation shall be located in easements dedicated to the town and recorded with the record plat of the subdivision. These easement areas are to be of the form and size described in the town design standards.
- (2) The reviewing authority also may require the subdivider to provide common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric or other service to the proposed subdivision. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators which may be expected to occupy them, may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the land records of the county.

(K) Resource protection areas.

All resource protection areas (RPA) boundaries shall be delineated on final subdivision record plats with a note that states, "The Resource Protection Area is to remain undisturbed and comply with Chapter 78, Section 78-304(D), Chesapeake Bay Preservation Area Overlay District."

(L) Provision of any other required improvements identified in this Chapter or the Zoning Ordinance.

ARTICLE IV: DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning Words, terms and phrases not shown in this section shall have the meanings ascribed to them elsewhere in the Herndon Town Code.

AS-BUILT PLANS	engineering plans and drawings, showing streets, curbs, gutters, sidewalks, sanitary sewers, storm sewers and waterlines and all other utilities, as they have been constructed.
COMMISSION AND PLANNING COMMISSION	the planning commission of the town.
COUNCIL AND TOWN COUNCIL	the elected, governing body of the town.
DESIGN STANDARDS	the Town of Herndon Public Facilities Manual (1997).
ENGINEERING PLANS, ENGINEERING, PLANS AND PROFILES	the drawings that accompany a record plat, prepared by a registered professional engineer or certified land surveyor, from which the streets, sanitary sewers, storm sewers, waterlines and other such physical features of a subdivision can be built.
FRONTAGE	the boundary of a lot or parcel which abuts a street, common area parcel, or other defined land area.
LOT	a numbered and recorded portion of a subdivision meeting the minimum requirements of this chapter and the town zoning ordinance.
LOT, CORNER	a lot located at the intersection of two or more streets.
LOT, DOUBLE FRONTAGE	an interior lot having frontage on two streets.
LOT, INTERIOR	a lot other than a corner lot.
LOT LINE, FRONT	a lot line coincident with a public street right-of-way line. The property line from which the setback is measured.
LOT LINE, REAR	any lot line, not a side lot line and not a line where the street right-of-way line and private property line are coincident.
LOT LINE, SIDE	a property line drawn at approximately right angles or radial, to streets.
LOT, WIDTH	the distance between the side lot lines measured at the required front yard building setback line.
<u>MONUMENT</u>	<u>any permanent material object or collection of objects, either natural or man-made, that indicates the position on the ground of a survey station, public land survey corner or accessories, or a land boundary corner established by a qualified surveyor.</u>
OUTLOT	<u>any lot that does not comply with a division of land and size and/or shape of which does not meet the minimum requirements of this chapter, or the town zoning ordinance, or the town public facilities manual. and the creation of which is prohibited under the terms of this chapter, except as provided in section 70-155.</u>
<u>PLAT</u>	<u>[from Code of Virginia] schematic representation of land divided or to be divided</u>
REVIEWING AUTHORITY	<u>The authority designated to make decisions on a specific application as shown in Table 70-102(B): Subdivision Review Procedures.</u>
<u>SUBDIVISION ADMINISTRATOR</u>	<u>the individual designated by the town manager to administer and enforce this chapter. The subdivision administrator may appoint one or more deputies (designees) to carry out the assigned duties and any reference to "subdivision administrator" shall include deputies (designees.)</u>
SUBDIVIDER	the owner of the property being subdivided or his authorized agent.
SUBDIVISION AND TO SUBDIVIDE	the division or redivision of any tract, parcel, lot or interest in real property for the purpose, whether immediate or future, of transfer of ownership whether by sale, grant, dedication or any other means of conveyance. The term "subdivision" shall include creation of condominiums, as provided for under the Condominium Act, Code of Virginia, § 55-79.39 et seq. The requirements of this chapter shall apply with necessary changes to new and converted condominiums as they apply to any other subdivisions and, where necessary, waivers may be granted and requirements construed so that a condominium may be

established and developed exactly as subdivisions with individual lots may be divided and developed. However, subdivision shall not include the creation or alteration of easements or rights-of-way for public use.

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Informational Attachment:

Minimum Content Requirements for Plans [Proposed]

From Herndon Town Code Chapter 78, Zoning [Proposed]

Table 78-202: MINIMUM CONTENT REQUIREMENTS FOR PLANS draft: May 25, 2006				
Key: ? Required always ? Required as may be applicable	GDP	Site Plan	Preliminary Subdivision Plan	Subdivision Site Plan
<u>GENERAL INFORMATION:</u>				
Town Cover Sheet	?	?	?	?
Name and address of the owner and developer;	?	?	?	?
Tax map reference number and location of the subject property by street address, Town, County and State;	?	?	?	?
North arrow;	?	?	?	?
Date;	?	?	?	?
Scale of drawing;	?	?	?	?
Number of sheets;	?	?	?	?
<u>Title of project and name of firm preparing the drawings;</u>	?	?	?	?
Current zoning;		?		?
Total site area;		?		?
Proposed uses;		?		?
Owner, zoning, and present use of adjacent property;		?		?
Location of tract by an insert map at a scale of not less than one inch equals 2,000 feet, indicating scaled coordinates referred to in NGS; A north direction arrow referenced to the Virginia Coordinate System of 1983 (VCS 83) ;and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns and magisterial districts or other landmarks sufficient to clearly identify the location of the property;		?		?
<u>Fee schedule per town zoning ordinance;</u>		?		?
A boundary survey of the tract with an error of closure within the limit of one in 10,000 related to the true meridian and showing the location and type of boundary evidence. <u>and boundary credit, where done by others;</u>	?	?	?	?
Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title;		?		?
<u>Topography credit, where done by others;</u>	?	?	?	?
<u>Reference datum</u>		?		?
<u>Within 10 feet of the site, features on adjoining properties including: departing property lines, drip line of trees, easements, to be shown on all sheets</u>	?	?	?	?
<u>Seal and signature of preparer;</u>	?	?	?	?
Match lines, if prepared on more than one sheet, to clearly indicate where the several sheets join.	?	?	?	?

Table 78-202: MINIMUM CONTENT REQUIREMENTS FOR PLANS
draft: May 25, 2006

Key: ? Required always ? Required as may be applicable	GDP	Site Plan	Preliminary Subdivision Plan	Subdivision Site Plan
TREE SURVEY to be shown on one sheet and to include:	?		?	
The existing tree canopy cover;	?		?	
Existing trees having a caliper of eight inches or greater when measured four feet, six inches above the ground, or a tree stand delineation as approved for group identification by the community forester;	?	?	?	?
Ornamental trees including, but not limited to: Dogwood (Cornus), American Holly (Ilex opaca), Shadblow (Amelanchier species), Eastern Redbud (Cercis canadensis) and Fringe Tree (Chionanthus virginicus) having a caliper of two to four inches measured at six inches above the ground or a caliper greater than four inches measured at 12 inches above the ground shall also be included in the inventory;	?	?	?	?
Groups of trees and individual trees standing alone that will be retained on the site, including designated "tree protection areas," shall be accurately identified, located on the tree survey, and shown on the plan of proposed development	?	?	?	?
The limits of clearing shall be located at the outermost limits of the area to be cleared, shall be accurately shown and labeled, shall not include any unnecessary clearing, and shall be shown on the plan of proposed development	?	?	?	?
All trees located off-site which have drip lines extending into the site shall be shown and considered as within the site for purposes of protective field practices;	?	?	?	?
The location of tree wells and tree walls shall be accurately located on the site plan;		?		?
All trees within the site and shown to be saved on the site plan shall be shown according to the total spread of the tree canopy/crown/cover at the drip line;		?		?
All trees located off-site which have drip lines extending into the site shall be shown on the site plan and considered as within the site for purposes of protective field practices;	?	?	?	?
Applicable diagrams of standard tree protection devices shall be provided as part of any site plan submittal.		?		?
There shall be a notation on the site plan prohibiting disturbance inside the tree protection areas. Prohibited disturbance includes, but is not limited to: grading, clearing, storage of materials, dumping of materials, and parking or transporting of vehicles and equipment.		?		?
<u>OTHER EXISTING CONDITIONS</u> to be shown on a sheet or sheet separate from the proposed features and including:				
Existing topography with a maximum of two-foot contour intervals.	?	?	?	?
Where existing ground is on a slope of less than two percent: either one-foot contours or spot elevations where necessary but not more than 50 feet apart in both directions;		?		?
Existing topography extending at least 25 feet beyond the boundary of the site;		?		?
<u>Natural features, including drainage divides and 100 year flood plain;</u>	?	?	?	?
A delineation of those general areas that have scenic assets or natural features deserving of protection and	?		?	

Table 78-202: MINIMUM CONTENT REQUIREMENTS FOR PLANS
draft: May 25, 2006

Key: ? Required always ? Required as may be applicable	GDP	Site Plan	Preliminary Subdivision Plan	Subdivision Site Plan
preservation, and a statement of how such will be accomplished;				
Watercourses and their names;	?	?	?	?
Delineation of Resource Protection Areas, as may be required in Section 78-304(D) of this Chapter.	?	?	?	?
<u>Identification of soil characteristics:</u>		?		?
<u>Structures:</u>		?	?	?
Existing streets abutting or through the site;	?	?	?	?
<u>Right-of-way lines</u> , width, <u>category of street</u> , and <u>edge of pavement</u>	?	?	?	?
Name of streets and <u>route numbers</u>	?	?	?	?
<u>Slope of streets</u>		?	?	?
<u>Centerline of streets with stations and points of curvature</u>		?	?	?
<u>Radii of curves on streets</u>		?		?
<u>Existing easements traversing the property, with size, on site and on adjoining properties for: sanitary sewer with flow direction indicated: storm sewer; water; streets, alleys, driveways, walkways and the like; gas, electric, telephone; slopes; grading; and other;</u>	?	?	?	?
Existing above and below ground utilities, including, electric, communications, <u>and the like</u> ;		?		?
All existing water, sanitary sewer and storm sewer facilities, and, <u>fire hydrants</u> indicating pipe sizes	?	?	?	?
For existing water, sanitary sewer and storm sewer facilities, and, <u>fire hydrants</u> : show <u>flow direction</u> , types and grades and where connection is made to the town or other utility system;		?		?
<u>PROPOSED CONDITIONS:</u>				
Information to be Shown in Tabular form, indicating (a) the zoning provision for the minimum or maximum permitted, and (b) proposed.				
<u>lot area;</u>	?	?	?	?
<u>lot width; corner (or end) and interior;</u>	?	?	?	?
<u>setbacks;</u>	?	?	?	?
<u>side yard: total of combined side yards, where applicable;</u>	?	?	?	?
<u>rear yard;</u>	?	?	?	?
<u>total site area;</u>	?	?	?	?
<u>lot area and lot area as percentage of total area</u>	?	?	?	?
<u>number of lots;</u>	?	?	?	?

Table 78-202: MINIMUM CONTENT REQUIREMENTS FOR PLANS
draft: May 25, 2006

Key: ? Required always ? Required as may be applicable	GDP	Site Plan	Preliminary Subdivision Plan	Subdivision Site Plan
<u>density (dwellings per acre)</u>	?	?	?	?
<u>average lot size;</u>			?	?
<u>Building coverage (area of building footprint(s) as share of total site);</u>		?		?
<u>Floor area ratio (where applicable);</u>	?	?		
Floor area <u>by use</u> ;		?		?
Number of floors;		?		?
Height of buildings;	?	?	?	?
For residential buildings, the number, size and type of dwelling units;		?	?	?
Number of parking spaces	?	?	?	?
<u>Parking ratio;</u>	?		?	
Parking spaces for persons with disabilities;	?	?		?
Amount of impervious surface;	?	?	?	?
<u>Area of dedicated right-of-way;</u>	?	?	?	?
<u>Open space as percentage of total site or lot area (as applicable)</u>		?	?	?
Other Site Information to be shown on the plan				
<u>lot numbers on each lot;</u>		?	?	?
<u>lot size on each lot;</u>	?	?	?	?
<u>lot lines dimensioned;</u>		?	?	?
Proposed finished grading by contours supplemented where necessary by spot elevations;		?		?
proposed water and sanitary sewer facilities, indicating pipe sizes, types and grades and where connection is to be made to the town or other utility system;		?		?
Provisions for fire protection;		?		?
Provisions for the adequate disposition of natural water and storm water in accordance with the duly adopted design criteria and standards of the town, indicating location, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system.		?		?
Provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction;		?		?
<u>Proposed easements, with size, on site and on adjoining properties for: sanitary sewer with flow direction indicated: storm sewer; water; streets, alleys, driveways, walkways and the like; gas, electric, telephone; slopes;</u>	?	?	?	?

Table 78-202: MINIMUM CONTENT REQUIREMENTS FOR PLANS
draft: May 25, 2006

Key: ? Required always ? Required as may be applicable	GDP	Site Plan	Preliminary Subdivision Plan	Subdivision Site Plan
<u>grading; and other;</u>				
Proposed above and below ground utilities, including electric, communications, <u>and the like;</u>	?	?	?	?
Proposed existing water, sanitary sewer and storm sewer, and <u>fire hydrants</u> indicating pipe sizes	?	?	?	?
For proposed water, sanitary sewer, storm sewer, and <u>fire hydrants</u> : show <u>flow direction</u> , types and grades and where connection is made to the town or other utility system;		?		?
Provisions for monuments to be placed on the site.		?		?
Additional Information about Buildings and Other Structures to be shown on the plan				
The features of the proposed development, including land uses, the general location of buildings proposed, the number of residential units and types, the type, amount (in square feet), and Floor Area Ratio of nonresidential development, and other information about densities, and intensities;	?		?	
Building restriction lines;	?	?	?	?
Buildings Foot print of buildings and other structures;	?	?	?	?
Dimensions;		?		?
Finished floor elevations;		?		?
<u>Proposed distance of setbacks and yards for each building;</u>	?	?	?	?
Additional Information about Circulation				
A proposed traffic circulation plan including major streets and major pedestrian, and bike paths; the approximate location of proposed community and public facilities and the proposed plan for major sanitary sewer and storm drainage improvements; and a schedule showing the number of parking spaces provided and the number required by the provisions of Section 78-500, <u>Off-street Parking and Loading</u> ;	?		?	
Location, type and size of pedestrian and vehicular circulation facilities on the site, including;	?	?	?	?
Design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic;	?	?	?	?
<u>Hike and bike trail system per town comprehensive plan</u>	?	?	?	?
Proposed streets abutting or through the site:	?	?	?	?
<u>right-of-way lines</u> , width, <u>and category of street</u>	?	?	?	?
name and <u>route number</u>	?	?	?	?
<u>slope</u>		?	?	?
<u>centerline with stations and points of curvature</u>		?	?	?
<u>radii of curves</u>		?	?	?

Table 78-202: MINIMUM CONTENT REQUIREMENTS FOR PLANS
draft: May 25, 2006

Key: ? Required always ? Required as may be applicable	GDP	Site Plan	Preliminary Subdivision Plan	Subdivision Site Plan
Parking areas (on and off-street);	?	?	?	?
Size and angle of stalls;	?	?		?
Loading spaces;	?	?		?
Associated walkways;	?	?		?
Type of surfacing;	?	?		?
Aisle width;	?	?		?
<u>Location and design of inter-parcel access;</u>	?	?	?	?
Other Information about Landscaping and Open Space to be shown on the plan				
Location of open space and recreation facilities, with associated calculations <u>showing amount and type per Herndon Town Code Section 78-504;</u>	?		?	
Landscape Plan in accordance with Section 78-503(C)(2), on separate sheet;		?		?
<u>Show generally on the plan and in tabular form how the plan meets the requirements of Section 78-504</u>	?			
<u>Proposed ownership of open space;</u>		?	?	?
Other Information to be shown on the plan				
Visual and acoustical screening of mechanical equipment (roof-mounted and ground-mounted);		?		?
Location of signs.	?	?	?	?
On-site lighting depicted on a photometric drawing showing, in conformance with Section 78-515 (I):		?		?
Height of fixtures;		?		?
Architectural style;		?		?
Location;		?		?
Levels of illumination on-site and at the property line;		?		?
<u>Streetslights to be provided on public streets, with specifications shown on a photometric plan</u>		?		?
Bulk solid waste receptacles in conformance with Section 78-516;	?	?		?
<u>Proposed public use dedications</u>	?	?	?	?
Compliance with applicable established design criteria, construction standards and specifications for improvements required by ordinance or a duly adopted resolution by the Town Council; or recommended by the staff based on accepted planning practices;	?	?	?	?
Any additional information that the applicant may desire to provide in the consideration of the application.	?	?	?	?

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